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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 92-316
)	
RIVERTOWN COMMUNICATIONS COMPANY,)	File No. BPH-911008ME
INC.)	
)	
SAMPLE BROADCASTING COMPANY, L.P.)	File No. BPH-911010ME
)	
For Construction Permits For a)	
New FM Station on Channel 282C3)	
at Eldon, Iowa)	

TO: Administrative Law Judge
John M. Frysiak

REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW

OF

RIVERTOWN COMMUNICATIONS COMPANY, INC.

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September 8, 1993

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SUMMARY

Sample's proposed findings and conclusions directed to Rivertown seek to construct molehills from minutia, in an effort to diminish the clear comparative superiority which Rivertown enjoys over Sample. In large part Sample's efforts are based upon misstatements of the record, mischaracterizations of inapposite precedent, and ignoring relevant and controlling precedent.

Sample's claim that David Brown must be charged with a diversity demerit based upon his management of stations in Galesburg, Illinois, for several months in 1992 must be rejected. His employment contract with those stations expressly noted his Eldon commitment and gave him the right to terminate that employment upon grant of Rivertown's application; and the fact of both his employment and his commitment to terminate it upon grant were contemporaneously reported by amendment filed just 42 days after the employment commenced -- not "over two months later" as claimed by Sample.

Sample's effort to eliminate Brown's record of civic activities in the service area is based only upon a mischaracterization of Form 301 and its instructions, and must be rejected.

Contrary to Sample's claim, Ms. Bowen's husband has not done plumbing and air conditioning work on Rivertown's proposed studio building, since Rivertown has yet to select where it will locate its studio in Eldon; and thus no

decision has been made whether such studio (when selected) will require any refurbishment of its heating or air conditioning. Mr. Bowen's relationship with Rivertown is at most "marginal," and provides no basis for treating him as a half owner of Ellen Bowen's equity interest.

Sample's attempt to diminish Ellen Bowen's integration as Business Manager of the proposed station by characterizing her duties as "clerical" is similarly flawed. Her employment experience at the Fairfield, Iowa stations from 1986 to 1989 was in positions of increasing responsibility, culminating in Office Manager, Traffic Manager and Network Coordinator -- fully consistent with her testimony that her functions at the Eldon station would be "roughly" comparable to those which she had in Fairfield.

Sample's proposed findings and conclusions concerning its own basic and comparative qualifications are similarly selective, and should be rejected in favor of those proposed by Rivertown.

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REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW

Rivertown Communications Company, Inc. ("Rivertown"), by its attorney, hereby submits its Reply to the Proposed Findings of Fact and Conclusions of Law of Sample Broadcasting Company, L.P. ("Sample"), filed herein on August 16, 1993.

I. Rivertown's Comparative Qualifications

1. Sample seeks to diminish Rivertown's comparative attributes with a variety of specious arguments:

(a) It claims (§§ 139-40) that David Brown is chargeable with a "media interest" by virtue of his brief management of Stations WAIK and WCBQ, Galesburg, Illinois, in 1991, based on the fact that such employment (which was coupled with a contemporaneous divestiture commitment) was not reported by amendment within thirty days of its

commencement, but (according to Sample) "over two months later."

(b) It claims (§§ 150-151) that David Brown's service area residence from December 1984 to July 1986, and his record of civic activities within the service area, must be ignored because they were not described in Rivertown's application, nor in any "B" date amendment, citing in support Revision of Form 301, 4 FCC Rcd 3853, at 3860-61; §§ 56-58.

(c) It claims (§§ 152-54) that Ellen Bowen's proposed integration is entitled to no credit, because her duties will be clerical rather than managerial, and because she deferred to David Brown with regard to most aspects of the preparation of Rivertown's application.

(d) It claims (§§ 145-48) that Ms. Bowen's integration credit must be reduced to 22.5% (one half of her 45% equity interest, asserting that her interest is a "marital asset" owned equally by her husband, David Bowen.

2. Sample's attempt to diminish Rivertown's comparative stature, while imaginative, is unsupported by the record or by logic, and must be rejected.

3. Its effort to attribute WAIK and WGBQ to Brown because of his managership thereof from May 26, 1992 to September 1992 is based upon (a) Sample's misstatement of

the date upon which such employment commenced,¹ and (b) the claim that because the amendment was not filed until July 7, 1992, his divestment commitment contained in such amendment must be ignored. As set forth in Rivertown's July 22, 1992 **REPLY TO "PARTIAL OPPOSITION TO PETITION FOR LEAVE TO AMEND"** (R. Ex. 15), Brown entered into a contract of employment on May 8, 1992, to commence May 26, 1992;² the contract specifically noted the pendency of Rivertown's Eldon application and reserved to him the right to terminate the employment upon ninety days notice in the event of a grant of Rivertown's application. He executed Rivertown's amendment reporting this employment, and reiterating his application pledge to divest any conflicting employment in the event of a grant of Rivertown's application, on June 30, and it was filed July 7, one day after its receipt in Washington. Thus, Rivertown's amendment was filed just 42 days (not "over two months," as claimed by Sample at ¶139) after the employment commenced; and just twelve days beyond the thirty-day period specified in §1.65 of the Rules. In any event, Sample's argument here is a rehash of its pre-

¹ At ¶20, Sample urges that Brown's employment started there on May 6, 1992, and it cites "TR 84" in support of that date. According to that page, when asked when that employment commenced, Brown responded: "I believe it was May 6th of 1992." If that is an accurate transcript of his response, his recollection was inaccurate. As reflected in Sample's own Exhibit 6, at page 2, that employment commenced May 26, 1992.

² A copy of the employment agreement (redacted) is attached to R. Ex. 15.

designation argument (R. Ex. 14), which was considered and effectively rejected in the Hearing Designation Order, at footnote 2.³

4. It is correct that Rivertown's application, at Exhibit IV-B, did not note that Mr. Brown was residing within the service area from December 1984 to July 1986. In preparing Rivertown's Standardized Integration Statement, Mr. Brown realized that Exhibit IV-B to the application was in error in that it omitted his employment at KLBA, Albia, Iowa, from December 1984-March 1985, and thereby omitted the fact that he lived at the family farm during that period. He also realized that he had resided in Ottumwa when he was employed at the Pella-Des Moines stations from March 1985 to July 1986. In the interest of accuracy, and not in the spirit of "gamesmanship," the SIS and his written testimony (R. Ex. 2) stated the facts correctly.

5. It is also correct that Exhibit IV-B to Rivertown's application did not specifically describe David Brown's civic activities, stating simply that "David W. Brown also claims enhancement for civic activities." That was perfectly consistent with the Commission's requirement, set forth in Revision of Form 301, 4 FCC Rcd 3853, at 3860

³ Rivertown continues to question the logic (and the legal predicate) for attributing, for comparative diversification purposes, non-equity management of a station whose service area does not overlap that of the proposed station, even in the absence of a "divestment" commitment. See R. Ex. 15, footnote 1.

(¶ 56) that the applicant show "for each [integrated] principal, whether a qualitative credit will be claimed for minority status, past local residence, female status, broadcast experience, or civic activities" (emphasis added); it was equally consistent with the Form 301 Instructions for Section IV-B ("Integration Statement") adopted at that time (Id., at 3864):

"The applicant's integration statement must identify each principal who will participate in the management of the station, his or her position, duties and hours, and for each principal whether a qualitative credit will be claimed for minority status, past local residence, female status, broadcast experience or civic activities" (emphasis added).

The amendments to Form 301 adopted in 1989 added a new Section IV-B "Integration Statement," Question 1(b) of which asked (Id., at 3865-66):

". . . whether the applicant will claim qualitative credit for any of the following enhancement factors:

- | | Yes | No |
|---|-----|----|
| (a) Minority Status | | |
| (b) Past Local Residence
If yes, specify whether
in the community of
license or service area
and the corresponding dates. | | |
| (c) Female Status | | |
| (d) Broadcast Experience
If yes, list each employer and
position and corresponding dates. | | |
| (e) Daytimer Preference" | | |

The amended Form 301 did not even mention civic activities,⁴ much less require that the applicant detail each such activity, as argued by Sample.

6. Sample's attempt to eliminate or diminish Rivertown's credit for Ellen Bowen's integration as fulltime Business Manager of the proposed station is similarly specious. In part, that attempt rests upon her affirmative answer to counsel's only question relating to her proposed integration (Tr. 65):

"With the addition of possibly accounts payable, you're roughly going to perform the same functions at the Eldon station [as she had at KMCD-AM and KIIK-FM, Fairfield, from 1986 to 1989]?" (emphasis added),

from which Sample urges that her functions at Eldon would be largely clerical. Her written testimony described her Fairfield employment as being "in various capacities, including bookkeeper, receptionist, invoicing clerk, Office Manager, Traffic Manager, and Network Coordinator" (R. Ex. 3, p. 1). It is obvious that Ms. Bowen didn't perform all of those functions simultaneously, but that she worked her way up from clerical functions to management functions at the Fairfield stations during the three years that she was employed there "in various capacities." Thus, Nugget

⁴ The August 1992 edition of Form 301 has added a subparagraph (f) for "civic activities," and asks whether such activities were in the community of license or service area, and for corresponding dates. Curiously, it continues to ask whether a preference for "female status" is claimed, even though the Court had declared the female preference unconstitutional six months earlier: see Lamprecht v. F.C.C., 958 F.2d 382 (D.C.Cir. 1992).

Broadcasting Company, 8 FCC Rcd 1414 (Rev. Bd. 1993), cited by Sample at ¶154, is inapposite.

7. Sample also seeks to minimize Ms. Bowen's role by emphasizing the tasks which she did not perform in connection with Rivertown's application, such as retaining an engineer and counsel, securing the transmitter site, arranging the publication of legal notices, setting up the local public file, etc., (tasks performed by David Brown), characterizing her activities as limited to signing checks and make deposits to the corporate checking account. These are wholly consistent with her position as Business Manager of an entity which, as yet, has no "business." Atlantic City Community Broadcasting, Inc., 6 FCC Rcd 925 (Rev. Bd. 1991), cited by Sample (¶154) for the proposition that a "principal was found not to have a bona fide role in the applicant when she deferred in the selection of the engineer and attorney; had no role in locating the transmitter site or preparing the budget or the application; and her only independent action was compilation of the EEO program," involved a limited partnership whose sole general partner had deferred to her communications counsel in virtually every aspect of the application's preparation, the Board characterizing it as "the boilerplate paper proposal of her attorney, to which she passively acquiesced" (Id., at 932). The facts of that case bear no similarity to those presented

by Rivertown.⁵

8. Sample concedes, as it must, that the position of "Business Manager" is recognized by the Commission as a management position entitling one to integration credit. Ms. Bowen's integration proposal and her activities in connection with the application are not significantly different from those found by the Board to warrant integration credit in Harry S. McMurray, 8 FCC Rcd 3168, at 3171 (Rev. Bd. 1993).⁶

9. Sample's second line of attack upon Ms. Bowen's integration proposal is its attempt to attribute half of her interest to her husband, David Bowen, claiming it to be a "marital asset in which David Bowen has a 'mutual ownership stake'"⁷ (¶148).

⁵ Sample attempts to find significance in the fact that Ms. Bowen first spoke with Rivertown's counsel the day preceding her deposition in April 1993. That should be to her credit, in light of the Atlantic City holding.

⁶ See also Rio Grande Broadcasting Co., 8 FCC Rcd _____ (Rev. Bd. Decision released September 1, 1993), at ¶24; Lone Cypress Radio Associates, Inc., 7 FCC Rcd 4403 (Rev. Bd. 1992), review denied 8 FCC Rcd 972, recon. denied 8 FCC Rcd _____ (Memorandum Opinion and Order adopted August 30, 1993; see Report No. DC-2486 of September 1, 1993).

⁷ Citing Richard P. Bott, 4 FCC Rcd 4924 (Rev. Bd. 1989), in which 50% of a female applicant's interest was held to be that of her husband, a broadcaster at whose stations she had been employed, where the husband first advised her of the allocation, selected her transmitter site, and initiated contacts with a bank to secure her financing, and where their joint account was the source of all funds to prosecute the application (and the basis for her financial certification).

10. In claiming (§34) that "Rivertown's application is being funded by loans from . . . Bowen's husband, David," Sample has misstated the record. In response to the question "Do you know what the source of funding is for the Rivertown station?" [not application], Ms. Bowen testified: "John Pritchard's made a loan to the company, and my husband is willing to make a loan and Dave has made a loan. Dave Brown." Sample again misstates the record in asserting (§36) that David Brown's Eldon residence at 517 West Elm (jointly owned with Mr. Bowen, and in which Bowen has done some plumbing and heating work) "is the same building proposed to be Rivertown's main studio. TR 70, 94." -- a mischaracterization repeated in Sample's Proposed Conclusions, at ¶147 ("Mr. Bowen also jointly purchased David Brown's Eldon residence and Rivertown's proposed broadcast studios, remodeled this property and will be involved in the construction of the Eldon station.") At Tr. 70, Ms. Bowen described that building only as "a possible site" for the studio, and at Tr. 69 made clear that no decision on a studio location had been made.⁸ At Tr. 94, Brown was asked whether he "ever discussed with Ellen Bowen that 517 West Elm Street . . . might be used for studios," to which Brown responded: "We may have at one time." A discussion about a "possible site" does not

⁸ In answer to where her husband might do plumbing and heating work for Rivertown, she replied: "Wherever the building for the radio station would be."

transform it into a "proposed site." Similarly, discussions that Mr. Bowen "may help install heating and air conditioning" (Tr. 65) in Rivertown's studio building (which has not yet been selected) does not support Sample's claim that he "will be involved in the construction of the Eldon station."

11. Sample attempts to make much of the fact that Mr. Bowen was present at most of the meetings between David Brown and Ellen Bowen about the Rivertown application, overlooking her testimony that those meetings took place in the Bowen home (Tr. 67). Similarly, Sample finds it significant that Mr. Bowen was present when his wife testified here, ignoring that he and their daughter had joined her in travelling to Washington for sightseeing purposes (Tr. 44).

12. Stripped of Sample's misstatements and exaggerations, the only facts potentially significant to its attribution argument are (a) Ms. Bowen's stock was purchased by a check drawn on their joint account,⁹ and (b) David Bowen has agreed to lend Rivertown up to \$15,000 (out of a total of \$265,000 of committed funds; see **Memorandum Opinion and Order** released March 26, 1993 [FCC 93M-123]). As the

⁹ Sample urges (§147): "Joint funds were used to purchase Ellen Bowen's voting stock in Rivertown even though she is employed outside of the home and presumably has her own funds available." The record is silent as to whether she maintains a separate checking account, or whether -- like many happily married couples -- Mr. and Mrs. Bowen maintain only a joint checking account.

Review Board stated in Bott, supra (4 FCC Rcd at 4929): "the use of joint funds for prosecuting the application and constructing the proposed station is not determinative."

13. David Bowen's connection with Rivertown is even more "marginal" than that of a husband of one of the general partners in the prevailing applicant in Lone Cypress Radio Associates, Inc., note 6 supra, who attended partnership meetings with his wife, made financial contributions to the partnership through his wife's use of their joint assets, attended the depositions and the hearing, and was kept current on the progress of the application by his wife. There, the Board found no basis for discrediting the wife's proposed integration, specifically distinguishing Bott, supra, on its facts; 7 FCC Rcd at 4405-06.¹⁰

14. In summary of the foregoing, Sample's attempts to deprive Rivertown of 100% integration credit, and to whittle down the deserved enhancements thereof, are based upon misstatements of some record facts and exaggerations of others, coupled with repeated mischaracterization of Commission precedent. As such, they must be rejected, and Rivertown accorded the full integration credit to which it is entitled.

¹⁰ Sample's failure to mention Lone Cypress, which appears to be on all fours with this case, cannot be attributed to ignorance, since Sample's counsel here was counsel for the prevailing applicant there.

II. Sample's Basic and Comparative Qualifications

15. Sample's proposed findings and conclusions relating to its own basic and comparative qualifications predictably reach the conclusions that Sample is fully qualified, that neither O-Town nor its principals are real parties-in-interest to Sample's application, and that the Sample application is a bona fide two-tiered entity, entitling it to 100% integration credit for Ms. Sample-Day, enhanced by her recent area residence and minority status. Rivertown's proposed findings and conclusions reach the opposite result. A comparison of the two reveals that Sample has omitted a number of facts detracting from its conclusions. Rather than burden the record further with item-by-item rebuttals, however, Rivertown will rest upon its proposed findings and conclusions on these issues.¹¹

16. One subject, however, warrants further discussion. Sample simplistically asserts a minority preference based on Ms. Sample-Day's 50% Hispanic parentage, citing Hispanic Keys Broadcasting Corp., 3 FCC Rcd 3584 (Rev. Bd. 1988), and KIST Corp., 99 FCC 2d 173 (Rev. Bd. 1984). While we do not

¹¹ However, we cannot resist pointing out that Sample's claim to credit for auxiliary power (§§ 162, and 165), based on a proposed finding that a generator will be installed at the transmitter site (§ 17), totally ignores Ms. Sample-Day's testimony (Tr. 183) that she didn't know whether the one generator proposed would be at the transmitter site or the studios, and that only at the hearing did she realize that two generators would be required -- one at each location -- to ensure continued operation in the event of power failure.

dispute that her mother was of Hispanic origin, or that Ms. Sample-Day is fluent in Spanish, she is fully assimilated (as evidenced most recently by her marriage to a British citizen, Mr. Day), and claims membership in no Hispanic organizations. Of paramount importance (in view of the purpose of the "minority preference"¹²) is that Sample proposes no Hispanic-oriented programming. Indeed, given the fact that Wapello County contains only 224 persons of Hispanic origin (and Eldon but 3),¹³ such programming would be totally wasted.

III. Conclusion

17. It is apparent from the foregoing that Sample recognizes that it is comparatively inferior to Rivertown, and that only by multiple misstatements of the record and mischaracterization of Commission precedent can it create a winning scenario.

¹² In Metro Broadcasting, Inc. v. F.C.C., 110 S.Ct. 2997 (1990), the majority of the Supreme Court concluded that minority preferences were not unconstitutional, based upon (a) the legitimate Governmental interest in diversity of programming, and (b) a demonstrated nexus between minority ownership and minority-oriented programming. Here, there would be no apparent nexus between Ms. Sample-Day's 50% Hispanic heritage and programming diversity in Eldon and the surrounding area.

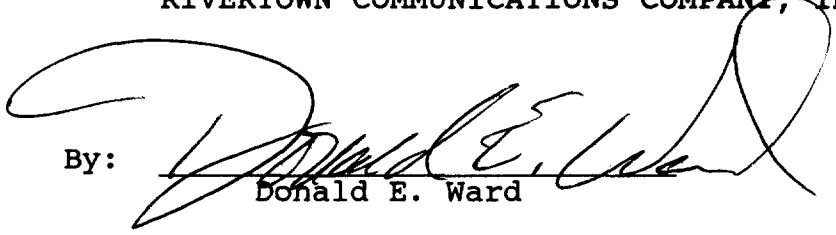
¹³ According to the 1990 U.S. Census, Wapello County (in which Eldon and Ottumwa are located) contained 224 Hispanics, representing 0.6% of its 35,687 population; see Attachment hereto (official notice requested).

18. Accordingly, it is urged that the proposed findings and conclusions of Sample be rejected; that those of Rivertown be adopted; and that the application of Rivertown be granted, and that of Sample be denied.

Respectfully submitted,

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September 8, 1993

Bonaparte township	677	311	366	675	1	-	-	1	4	672	1	-	-	-
Bonaparte city	465	215	250	464	1	-	-	-	-	463	1	-	-	-
Cedar township	373	188	185	371	-	-	2	-	-	371	-	-	2	-
Stockport city (pt.)	130	60	70	130	-	-	-	-	-	130	-	-	-	-
Chequest township	242	124	118	242	-	-	-	-	-	242	-	-	-	-
Des Moines township	214	118	96	213	-	-	-	-	-	213	-	-	1	-
Conril city (pt.)	-	-	-	-	-	-	-	1	-	-	-	-	-	-
Farlington township	961	462	499	954	-	5	1	1	9	951	-	-	1	-
Farlington city	655	309	346	650	-	5	-	-	8	647	-	-	-	-
Harrisburg township	226	122	104	226	-	-	-	-	-	226	-	-	-	-
Henry township	170	84	86	170	-	-	-	-	-	170	-	-	-	-
Jackson township	1 127	566	561	1 117	6	1	3	-	9	1 108	6	1	3	-
Conril city (pt.)	262	133	129	252	6	1	3	-	5	247	6	1	3	-
Milton city	506	248	258	506	-	-	-	-	3	503	-	-	-	-
Lick Creek township	491	254	237	490	1	-	-	-	-	490	1	-	-	-
Birmingham city (pt.)	99	53	46	99	-	-	-	-	-	99	-	-	-	-
Union township	662	335	327	660	1	1	-	-	5	655	1	1	-	-
Birmingham city (pt.)	287	148	139	286	-	1	-	-	1	285	-	1	-	-
Stockport city (pt.)	130	60	70	130	-	-	-	-	1	129	-	-	-	-
Van Buren township	1 458	680	778	1 450	1	1	6	-	2	1 448	1	1	6	-
Kaosouqua city	1 020	462	558	1 013	-	1	6	-	2	1 011	-	1	6	-
Vernon township	249	123	126	249	-	-	-	-	-	249	-	-	-	-
Mount Sterling city	53	31	22	53	-	-	-	-	-	53	-	-	-	-
Village township	659	331	328	654	-	-	5	-	-	654	-	-	5	-
Washington township	167	83	84	167	-	-	-	-	-	167	-	-	-	-
Wapello County	35 687	17 039	18 648	35 063	270	95	168	91	224	34 930	270	86	154	23
Adams township	762	385	377	760	-	-	-	2	2	760	-	-	-	-
Blakesburg city	333	155	178	333	-	-	-	-	-	333	-	-	-	-
Agency township	1 233	596	637	1 226	5	1	1	-	5	1 221	5	1	1	-
Agency city	616	282	334	614	2	-	-	-	1	613	2	-	-	-
Cass township	249	122	127	247	-	2	-	-	3	244	-	2	-	-
Chillicothe city	119	56	63	119	-	-	-	-	-	119	-	-	-	-
Center township	26 329	12 315	14 014	25 780	248	75	149	77	191	25 671	248	66	136	17
Ottumwa city (pt.)	24 381	11 346	13 035	23 848	248	71	141	73	179	23 744	248	65	129	16
Columbia township	1 133	559	574	1 119	3	4	4	3	8	1 115	3	4	3	-
Eddyville city (pt.)	837	404	433	828	-	2	4	3	7	825	-	2	3	-
Camperline township	313	162	151	312	-	-	1	-	-	312	-	-	1	-
Dahlonega township	585	308	277	582	-	1	2	-	1	581	-	1	2	-
Ottumwa city (pt.)	99	52	47	99	-	-	-	-	1	98	-	-	-	-
Green township	686	352	334	673	-	2	4	7	4	672	-	2	4	4
Highland township	344	186	158	340	2	1	1	-	-	340	2	1	1	-

Table 3. Sex, Race, and Hispanic Origin: 1990—Con.

[For definitions of terms and meanings of symbols, see text]

State County County Subdivision Place	All persons	Sex		Race					Hispanic origin (of any race)	Not of Hispanic origin				
		Male	Female	White	Black	American Indian, Eskimo, or Aleut	Asian or Pacific Islander	Other race		White	Black	American Indian, Eskimo, or Aleut	Asian or Pacific Islander	Other race
Wapello County—Con.														
Kaokuk township	897	468	429	886	5	4	2	-	3	883	5	4	2	-
Pleasant township	308	162	146	302	3	3	-	-	2	300	3	3	-	-
Polk township	575	300	275	575	-	-	-	-	-	575	-	-	-	-
Richland township	670	350	320	660	4	-	4	2	-	660	4	-	4	2
Gritville city	177	98	79	177	-	-	-	-	-	177	-	-	-	-
Ottumwa city (pt.)	8	4	4	7	1	-	-	-	-	7	1	-	-	-
Washington township	1 603	774	829	1 601	-	2	-	-	5	1 596	-	2	-	-
Eldon city	1 070	500	570	1 068	-	2	-	-	3	1 065	-	2	-	-
Warren County	36 033	17 545	18 488	35 684	90	51	145	63	277	35 485	89	41	136	5
Allen township	3 575	1 671	1 904	3 548	1	7	6	13	39	3 518	1	7	6	4
Carlisle city (pt.)	3 236	1 494	1 742	3 209	1	7	6	13	39	3 179	1	7	6	4
Belmont township	1 027	511	516	1 018	1	6	1	1	1	1 018	1	6	1	-
Milo city (pt.)	672	331	341	664	-	6	1	-	-	664	1	6	1	-
Greenfield township	4 672	2 309	2 363	4 609	15	4	33	11	68	4 562	15	1	26	-
Norwalk city (pt.)	1 229	542	687	1 210	6	-	9	4	21	1 195	6	-	7	-
Spring Hill city	86	45	41	86	-	-	-	-	6	80	-	-	-	-
Indianola city	11 340	5 311	6 029	11 227	32	17	48	16	56	11 192	31	12	48	1
Jackson township	632	335	297	630	-	1	-	1	3	628	-	1	-	-
St. Marys city	113	58	55	112	-	-	-	-	3	110	-	-	-	-
Jefferson township	1 488	751	737	1 469	2	6	6	5	9	1 465	2	6	6	-
Bevington city (pt.)	23	14	9	22	-	-	1	-	-	22	-	-	1	-
Martinsdale city	491	244	247	485	-	5	1	-	2	483	-	5	1	-
Liberty township	468	241	227	466	-	-	-	2	6	462	-	-	-	-
Lincoln township	1 849	938	911	1 841	4	-	4	-	-	1 841	4	-	4	-
Adkeworth city	66	32	34	66	-	-	-	-	-	66	-	-	-	-
Linn township	5 493	2 668	2 825	5 418	27	3	33	12	64	5 370	27	1	31	-
Cumming city	132	71	61	132	-	-	-	-	1	131	-	-	-	-
Norwalk city (pt.)	4 497	2 169	2 328	4 430	23	3	30	11	49	4 396	23	1	28	-
Other township	678	350	328	674	-	-	4	-	2	672	-	-	4	-
Milo city (pt.)	192	90	102	192	-	-	-	-	1	191	-	-	-	-

CERTIFICATE OF SERVICE

I, Donald E. Ward, do hereby certify that I have this 8th day of September, 1993, caused to be served by first class United States Mail, postage prepaid, a copy of the foregoing "REPLY FINDINGS OF FACT AND CONCLUSIONS OF LAW" to the following:

Hon. John M. Frysiak*
Administrative Law Judge
Federal Communications Commission
2000 L Street N.W.
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Donald E. Ward

* By Hand